REMARKS

.   Claims 1-34 are pending in the application and stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,263,362 to <u>Donoho</u>, et al., for the reasons set forth on pages 2-5 of the Office Action. Applicants respectfully traverse the rejections. Indeed, at the very minimum, <u>Donoho</u> does not anticipate claims 1, 9, 17 and 26.

For instance, with respect to claim 1, <u>Donoho</u> does not disclose *a contextual system, which determines settings based on the contextual information and determines services and devices available for the user, in accordance with the contextual information*, much less *a predictor which receives the contextual information, the settings, the services available and the devices available and predicts the needs of the user to make resources available to the user in accordance with predictions,* as recited in claim 1.

In particular, the Examiner cites various sections of <u>Donoho</u> as disclosing a *"contextual system"* but offers no specific explanation as to the relevance and application of such cited sections to the claimed features. It appears that Examiner relies on the *"advice reader"* of <u>Donoho</u> (Col 6, lines 5-67) as disclosing the claimed *"contextual system"*. However, the "advice reader (30)" disclosed by <u>Donoho</u> is an application that runs on the user's computer and which determines the relevance of certain advisories (32) that are provided by various advice sites (33a ..) to thereby match advisories with users for whom such advisories are relevant (see, e.g., FIG. 3, Col. 6, lines 1-10, col. 7, lines 1-25). The relevancy of an advisory can be determined using various conditions (See, Col. 6, lines 10-67).

In this regard, the Examiner has not demonstrated how the *advice reader* of <u>Donoho</u> is a *contextual system which determines settings based on the contextual information* . Examiner has not even explained how and what *settings are determined* (by the advice reader) *based on*

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contextual information. Moreover, the Examiner has not explained how the advice reader is a *contextual system* that *determines ... devices available for the user in accordance with the contextual information*, as claimed in claim 1. Indeed, none of the sections of <u>Donoho</u> cited by the Examiner discuss *determining a device available for the user.*

Similarly, Examiner cites, without explanation, various portions of <u>Donoho</u> as disclosing the claimed *"predictor"* of claim 1. At the very least, the cited sections clearly do not disclose a *predictor which ... predicts the needs of the user to make resources available to the user in accordance with predictions.* By the cited sections, it appears that Examiner once again construes the *"advice reader"* of <u>Donoho</u> as being the claimed *"predictor"*. However, there is nothing in the sections relied on by Examiner that remotely suggests that the *"advice reader"* of <u>Donoho</u> predicts anything, much less *predicts the needs of the user to make resources available to the user in accordance with predictions.* In fact, Col. 9, lines 48 et seq. states that the "advice reader does not automatically apply a recommended solution ...".

Based at least on the above, <u>Donoho</u> does not anticipate claim 1. At the very least, it is respectfully submitted that Examiner has failed to establish a prima *facie case* of anticipation of claim 1 because Examiner has failed to show how <u>Donoho</u> discloses various elements of claim 1.

Furthermore, with regard to the rejection of claims 9, 17, and 26, it is respectfully submitted that Examiner's contention that claims 9, 17 and 26 *"are substantially similar to claim 1 and are therefore rejected under the same bases"* is legally deficient as a matter of law. To begin, even assuming, *arguendo*, that such claims are "substantially similar to claim 1", such rejections would be improper and legally deficient for at least the same reasons as given for claim 1 above.

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Furthermore, the scope of claims 9, 17 and 26 are <u>different</u> from claim 1 and Examiner's reliance on the rejection of claim 1 fails to address various elements of claims 9, 17 and 26. Indeed, Examiner's rejection of claim 1 fails to address various elements such as:

> *representing a user's schedule with event and time information;*
>
> *identifying destination devices and capabilities of the destination devices from a location database which are available for transferring information to a user in accordance with the user's schedule; and*
>
> *predicting at least one of a location of the user and resources needed at the location based one the event and time information and the information and capabilities of the destination devices,*

as recited in claims 17 and 26, much less:

> *event and time information representing a user's schedule;*
>
> *a location database including information about destination devices and capabilities of the destination devices;*
>
> *a predictor which receives the event and time information and the information and capabilities of the destination devices to predict at least one of a location of the user and resources needed at the location such that the resources are transferred to the user at a location when and where the resources are needed*

as recited in claim 9.

For at least the above reasons, Donoho does not anticipate claims 1, 9, 17 and 26. In addition, all claims that depend from claim 1, 9, 17 and 26 are not anticipated by Donoho at least by virtue of their dependence from claim 1, 9, 17 and 26.

Accordingly, withdrawal of the claim rejections is respectfully requested.

Respectfully submitted,

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